

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

September 4, 2013

The North Ogden Planning Commission convened in a regular meeting on September 4, 2013 at 6:33 pm in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on August 30, 2013. Notice of the annual meeting schedule was published in the Standard-Examiner on December 30, 2012.

COMMISSIONERS:

Eric Thomas	Vice-Chairman
Joan Brown	Commissioner
Steve Quinney	Commissioner
Dee Russell	Commissioner
Don Waite	Commissioner

STAFF:

Craig Barker	Community Development Director
Gary Kerr	Building Official
Stacie Cain	Community Dev. Coord./Deputy City Recorder

EXCUSED:

Blake Knight	Commissioner
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VISITORS:

James Flinders	Julieann Hartmann	
Shauna Flinders	Zach Hartmann	Scott Craven

REGULAR MEETING

Vice-Chairman Thomas called the regular meeting to order at 6:33 pm. Commissioner Quinney offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. CONSIDERATION TO APPROVE THE JULY 17, 2013 PLANNING COMMISSION MINUTES.

Commissioner Brown made a motion to approve the July 17, 2013 Planning Commission minutes. Commissioner Russell seconded the motion.

Voting on the motion:

Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Quinney	yes
Commissioner Russell	yes
Commissioner Waite	abstained

The motion passed.

ACTIVE AGENDA

1. PUBLIC COMMENTS.

There were no public comments.

2. CONSIDERATION TO APPROVE A BOUNDARY LINE ADJUSTMENT FOR 670 E 2800 N.

A staff memo from Community Development Director Craig Barker explained that the Flinders own property at the above address consisting of three parcels. Two of the parcels have frontage on 2800 North. These two properties have a common lot line between them which is the property line they desire to move to the west so that the western parcel, which is Parcel A on the drawing, has the minimum 80 feet lot width for a building lot. The present width of this parcel is 129 feet. The new parcel measurements will be 80 feet for Parcel A and 191.5 feet for Parcel B.

Mr. Barker reviewed his staff memo and reviewed the plat for the area to orient the Planning Commission with the location of the subject property.

Commissioner Russell made a motion to approve a boundary line adjustment for 670 E 2800 N. Commissioner Brown seconded the motion.

Voting on the motion:

Vice-Chairman Thomas	yes
Commissioner Brown	yes

Commissioner Quinney	yes
Commissioner Russell	yes
Commissioner Waite	yes

The motion passed unanimously.

3. CONSIDERATION TO APPROVE A SITE PLAN FOR NORTH VIEW DENTAL, LOCATED AT 2201 N 400 E.

A staff memo from Community Development Director Craig Barker explained North View Dental has submitted a site plan amendment for their office entry on Washington Blvd. along with new landscape improvements along the front of the new entryway and the existing building. The new entryway will be approximately 16 ½ feet in width which is double from its present size. The construction will be of similar brick with similar roof lines and shingles.

Mr. Barker reviewed his staff memo and reviewed the proposed site plan for the project.

Commissioner Waite asked if the amended site plan will affect the parking or ingress/egress points at the site. Mr. Barker answered no.

Commissioner Quinney made a motion to approve a site plan for North View Dental located at 2201 N. 400 E. Commissioner Brown seconded the motion.

Voting on the motion:

Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Quinney	yes
Commissioner Russell	yes
Commissioner Waite	yes

The motion passed unanimously.

4. DISCUSSION ON CHANGING TITLE 12 SECTION 2, DEFINITIONS, OF THE ZONING ORDINANCE.

Mr. Barker explained the Planning Commission has been provided a copy of a letter sent to staff by Mr. and Mrs. Hartmann; they are requesting that the City amend its zoning ordinance to allow for two homes on a single parcel of ground. He stated the City ordinance states that the largest structure on a residential parcel is considered the main building or the dwelling. He noted the Hartmann's property is located in an RE-20 zone; it is a long, narrow lot and they may need to request a rezone to an R-1-10 zone to accomplish what they are trying to do. He stated he anticipates a big discussion among the population because this type of development would create public safety concerns as well as concerns regarding delivery of services. He stated he would

allow the Hartmann's to explain the reasons for their request. He reviewed a plat of the area to orient the Planning Commission to the location of the Hartmann property.

Zach Hartmann, 884 E 2100 N, stated that he was raised on the subject property; his parents purchased it in 1990 and still live there. He provided the Planning Commission with photographs of the subject property and pointed out the existing dwelling and the accessory building (garage). He noted the reason he would like to build a second home on the property is to provide his parents with a place to reside for the length of their retirement. He stated he plans to purchase the property and allow his parents to live in the back of the property during their retirement; this plan will also give his family a chance to care for his parents as needed. He stated the accessory building located on the back of the property is currently a garage and the electrical and plumbing work has been installed per code. He noted the building lacks drywall and insulation so it is not currently livable. He reviewed photographs of the property and identified the driveway, noting it is wide enough to allow for access by a large public safety vehicle, such as a fire engine. He stated the City ordinance includes a definition for a lot as a single dwelling area and he suggested making a simple amendment to the ordinance to add an exception for a second dwelling as long as the dwelling is occupied by a very close family member, such as a parent or sibling.

Commissioner Quinney stated the Planning Commission did not receive a staff report regarding this item and he asked if there is a reason for that. Mr. Barker stated there was no need to provide a staff report because Mr. Hartmann's letter explains the request and the item is simply a discussion item. He stated if Mr. Hartmann ultimately petitions the Planning Commission to make a change to the ordinance, the Planning Commission will need to make a recommendation that will be forwarded to the City Council, but right now it is appropriate to simply have a discussion about the idea.

Commissioner Russell asked Mr. Hartmann if he has been informed of the different options he has at this point. Mr. Hartmann stated City Manager Ron Chandler provided him with some options; he actually came to the subject property with Council Member Wade Bigler to try to understand what the Hartmann's are trying to accomplish. He stated Mr. Chandler mentioned the idea of a flag lot, but he did not know there was a way for him to have a flag lot and now that is really not an option for him because he is short on funds and the garage is already plumbed for sewer, water, and gas via a connection to the house and in order to make it a flag lot it would be necessary to reroute those utilities. He reiterated he would simply ask the City to amend the ordinance to allow for two dwelling units on his property for his parents or sibling to live in.

Commissioner Russell inquired as to the width of the front of the property and the total length. Mr. Hartmann stated the width of the front of the parcel is approximately 130 feet, but he was not sure of the length of the property. Mr. Barker added that there is not enough frontage on the property to allow for a flag lot without a zoning change. He stated that he believes the total width of the property right now is approximately 120 feet.

Commissioner Quinney inquired as to other options besides the flag lot. Mr. Hartmann stated the other option was for the two residences to be connected in some way, such as a breezeway; if there is a roof connecting the two structures it would be considered a single residence, but the

accessory building is such a far distance from the home that it would be ridiculous to construct a roof and walkway connecting the two.

Commissioner Russell asked if Mr. Hartmann would qualify for a variance. Mr. Barker noted a variance can only be granted if a hardship can be proven.

Commissioner Quinney asked if there is an option to change the zoning to address Mr. Hartmann's request. Mr. Hartmann stated that would be the flag lot option.

A discussion about any options available to address Mr. Hartmann's request ensued with Commissioner Russell asking for ways to mitigate the problems associated with either of the two options. Mr. Barker stated he is not sure of any other options besides those that have been discussed this evening.

Vice-Chairman Thomas stated he would be concerned about amending the language for the City's RE-20 zone to address this one situation because the change would apply to all properties in the City with the RE-20 zoning designation. He stated adding language that would allow for two dwellings for immediate family members only would be very hard for the City to police and enforce. Commissioner Russell agreed and stated problems could arise if the family owning one of these types of properties decided to sell their home. Mr. Hartmann stated that is one reason for the parcel to be one parcel rather than be split.

A discussion regarding utility connections for the second house on the property then ensued and Building Official Gary Kerr stated he would not have a problem with a single connection for two homes on a parcel of property.

Vice-Chairman Thomas stated the Planning Commission is bound by the rules and ordinances of the City and it sounds like many details regarding this request to change the City's ordinances need to be discussed. He recommended that Mr. Hartmann work with staff to address some of those details before this issue is discussed with the Planning Commission again. He then asked when the accessory building was constructed on the property. Mr. Hartmann stated that it was started in 2003 and it was finished in 2011. Vice-Chairman Thomas stated that it is concerning that Mr. Hartmann pulled the permit for an accessory building, but included features such as a bathroom and kitchen with the intent to convert the building to a home. Mr. Kerr agreed and stated that he conducted the inspection on the building and was concerned when he saw a laundry room and kitchen. He stated that many people have bathrooms in their accessory garages, but not laundry rooms and kitchens.

Mr. Hartmann stated he has come to the City because he wants to resolve an issue that he has been dealing with for some time. He stated he had not heard anything about the option of a flag lot before tonight. He reiterated he is simply trying to take care of his parents to avoid the need for them to live in an assisted living facility.

Commissioner Brown stated she personally thinks Mr. Hartmann's suggestion is a great idea and is not insurmountable. She stated there are some issues that need to be addressed and ironed out, but she does not think that is impossible.

Discussion regarding the options currently available to Mr. Hartmann continued, with a focus on the requirements for a flag lot to be approved.

Julieann Hartmann, 884 E 2100 N, asked if there is any way for she and her husband to sign a contract committing to maintain ownership of both homes on the property. Mr. Barker stated the Planning Commission cannot answer that type of question and it is instead a question for the City Attorney to consider and address. He added any citizen of the City is welcome to petition the City for a change in City ordinance and he reviewed the process that would be undertaken if a petition is filed.

Commissioner Brown asked Mr. Hartmann if he has discussed his idea with any of his neighbors. Mr. Hartmann stated all of his neighbors are aware of his intentions relative to taking care of his parents on his property. Commissioner Brown asked Mr. Hartmann if he has heard of any opposition from any of his neighbors. Mr. Hartmann answered no. Commissioner Brown stated that if that is the case she would suggest the Hartmann's follow the petition process. Ms. Hartmann stated that she has been working with Mr. Chandler and he never told her about the petition process; he simply told her to come to a Planning Commission meeting to discuss this issue. Mr. Barker stated that the Hartmann's can draft changes they would like to see to the ordinance and that draft will be forwarded to the City Attorney to review and determine if the language is appropriate.

Commissioner Quinney stated he feels the best solution for the City would be to create a flag lot. Mr. Hartmann stated that there are problems with that option due to the close proximity of his property to the adjoining property. Vice-Chairman Thomas provided an example of how a flag lot would work on the property and he agreed that would be the best solution and would be much easier than requesting an ordinance change. The Planning Commission, staff, and the Hartmann's reviewed the aerial photograph of the subject property to determine if a flag lot on the property would be allowed.

Mr. Hartmann asked if he could apply and be granted a conditional use permit to do what he would like to do with his property rather than requesting an ordinance change or creating a flag lot. Mr. Barker stated that is also a question for the City Attorney and City Manager. Discussion regarding the creation of a flag lot on the property continued. Ms. Hartmann asked if they would be required to provide utility connections for both buildings on the property if a flag lot were created or if a single connection would suffice. Mr. Kerr stated there would technically be two lots on the subject property, so each residence would be required to have its own utility connections.

Vice-Chairman Thomas reiterated the suggestion of the Planning Commission is that the Hartmanns work with staff to determine the best solution to address their request and if they are not satisfied with the outcome of those discussions they are welcome to proceed with the petition process. Mr. Kerr noted one additional option would be to add on to the existing home to provide a place for Mr. Hartmann's parents to live. Mr. Hartmann stated he does not have the funding for that type of project and it would likely be less expensive to create a flag lot and provide new utility connections to the garage that will be converted to a home.

Commissioner Russell suggested that the Hartmann's work through the details of this issue with staff to get as many questions answered as possible before coming back to the Planning Commission.

5. DISCUSSION AND/OR ACTION ON THE MIXED-USE ZONE.

A staff memo from Community Development Director Craig Barker explained the ordinance the Planning Commission has been reviewing is now in final form and printed for review and recommendation to the City Council for their consideration.

Mr. Barker reviewed his staff memo, provided a brief history of the creation of the proposed ordinance to date, and reviewed the draft ordinance, which requires a master development agreement for any proposed mixed-use development to be constructed in the City. He explained the project must commence within three years of approval of the master development agreement or that approval can be revoked. He reviewed some of the technical details of the ordinance as well as design standards that call out a theme for a mixed-use development. He then stated if the Planning Commission recommends approval of the ordinance to the City Council, he will provide it to the City Administration so they can obtain legal review of the document before providing it to the City Council.

Vice-Chairman Thomas stated the one thing he thought the Planning Commission had talked about, but that was not included in the draft ordinance, is a size restriction or minimum size of a parcel of property that would be suitable for a mixed use development. Mr. Barker stated some cities have that type of provision in their mixed-use zone ordinance, but he did not include such a provision in this draft document. A discussion among the Planning Commission regarding size restrictions ensued with the consensus being to leave the document unchanged and forward it to City Administration for legal review. Commissioner Quinney stated he would like for a legal review to be conducted and for the document to then be brought back to the Planning Commission for one final review before it is forwarded to the City Council.

Commissioner Waite stated he thinks the proposed zone is a great idea, but he noticed things like missing definitions in the document. Vice-Chairman Thomas stated some of those definitions are included in other sections of the City Code and the zone language for the mixed-use zone was left somewhat vague in order for a developer to have flexibility to work through the details of a development that would be suitable for their property.

6. PUBLIC COMMENTS.

There were no public comments.

7. PLANNING COMMISSION/STAFF COMMENTS.

Commissioner Brown stated she would like to add an item to a future Planning Commission agenda to discuss flag lots; she has seen several flag lots developed recently and she would like to have clarification regarding the rules for creating a flag lot. Mr. Barker provided a brief history of zoning laws in the City and noted that there is a section of the City's zoning ordinance that states any parcel of property in existence prior to December 31, 2000 can obtain a building permit as long as the property has frontage on the street. He stated the language seems somewhat arbitrary to him and he does not know why it was included in the ordinance. He added the City previously had language in the ordinance regarding flag lots and it was removed in 2004 or 2005, but legal counsel added language in its place that states "flag lots are a special provision of the Planning Commission and if an applicant's property meets the definition for a flag lot, which has a 30 foot wide frontage for the flag stem, they are entitled to have a flag lot". He stated he feels people will object to that provision and he asked the City Attorney about the language recently and gained clarification that the Planning Commission cannot technically grant a special provision for a flag lot and that an applicant will only be allowed to create a flag lot if they meet the definitions of a flag lot, which is for a property to have a stem that is 220 feet long and 30 feet wide and the size of the flag portion of the lot must meet the size requirements for the zone in which the property is located. He stated if the definition is met, the Planning Commission is bound to approve an application for a flag lot. He stated he anticipates many flag lot applications, but he feels residents in the City will have strong objections to that type of development. Commissioner Brown stated the property that brought the flag lot issue to her attention is located on 600 East and 2100 North. Mr. Barker encouraged a discussion about flag lots among the Planning Commission and noted they can undertake any changes to the zoning ordinances of the City that they see fit.

8. ADJOURNMENT.

Commissioner Quinney made a motion to adjourn the meeting. Commissioner Russell seconded the motion.

Voting on the motion:

Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Quinney	yes
Commissioner Russell	yes
Commissioner Waite	yes

The motion passed unanimously.

The meeting adjourned at 7:52 p.m.

Planning Commission Chair

Stacie Cain,
Community Dev. Coord./Deputy City Recorder

Date approved



View from the front of the lot



View From the back of the lot

